

Pratt & Whitney
400 Main Street
East Hartford, CT 06108



Pratt & Whitney

A United Technologies Company

October 31, 2002

State of Connecticut
Department of Environmental Protection
Bureau of Water Management
Permitting, Enforcement & Remediation Division
79 Elm Street
Hartford, CT 06106-5127



RDMS DocID 00100455

Pratt & Whitney
CTD990672081
P-9
RDMS # 100455

Attn: Richard C. Hathaway, Jr., L.E.P.

RE: CONSENT ORDER SRD-130
UNITED TECHNOLOGIES CORPORATION
PRATT & WHITNEY DIVISION
DRAFT ENVIRONMENTAL LAND USE RESTRICTION

Dear Mr. Hathaway:

I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53-a-157b of the Connecticut General Statutes and any other applicable law.

Sincerely,

UNITED TECHNOLOGIES CORPORATION
PRATT & WHITNEY DIVISION

Lorin Sodell
Director, Facilities & Services

Attachment

cc: Lauren Levine, UTC
Brian Cutler, LEA
Juan Perez, EPA



October 31, 2002

Loureiro Engineering Associates, Inc.

State of Connecticut
Department of Environmental Protection
Bureau of Water Management
Permitting, Enforcement and Remediation Bureau
79 Elm Street
Hartford, CT 06016-5127

ECRA RECORDS CENTER
Pratt & Whitney
C100906-2081
R-9
OTHER

Attn: Richard C. Hathaway, Jr., L.E.P.

RE: CONSENT ORDER SRD-130
UNITED TECHNOLOGIES CORPORATION
PRATT & WHITNEY DIVISION
DRAFT ENVIRONMENTAL LAND USE RESTRICTION

Dear Mr. Hathaway:

In accordance with Paragraph B.1.e of the above referenced Consent order, attached please find the draft Environmental Land Use Restriction. Please note the attached draft does not include Exhibit A, Property Description. Deed research will be completed in the upcoming week and the exhibit will be forwarded under separate cover. In accordance with Paragraph B.8 of the above referenced Consent order, I hereby certify that:

I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53-a-157b of the Connecticut General Statutes and any other applicable law.

If you should have any questions or comments, please contact me or Lauren Levine of United Technologies Corporation at (860) 728-6520.

Sincerely,

LOUREIRO ENGINEERING ASSOCIATES, INC.

Brian A. Cutler, P.E., L.E.P.
Vice President

Attachment

DRAFT
ENVIRONMENTAL LAND USE RESTRICTION
WILLOW BROOK AND WILLOW BROOK POND
UNITED TECHNOLOGIES CORPORATION
PRATT & WHITNEY
EAST HARTFORD, CT

RODA RECORDS CENTER
FACILITY *Pratt & Whitney*
ID NO. *CTD990672081*
FILE NO. *R-9*
OTHER _____

November 2002

Prepared for

UNITED TECHNOLOGIES CORPORATION
One Financial Plaza
Hartford, CT 06101

Prepared by

LOUREIRO ENGINEERING ASSOCIATES, INC.
100 Northwest Drive
Plainville, Connecticut

Comm. No. 88UT103.001

Notice of Intent to Record An Environmental Land Use Restriction

United Technologies Corporation/Pratt & Whitney Division (owner) gives notice that it intends to record Environmental Land Use Restrictions pertaining to the parcels of land known as Assessor's Lots 225, 226 and 229 of Map 11 and Lots 1 and 2 of Map 22, of the Town of East Hartford, Connecticut, under Sections 22a-133n through 133s of the Connecticut General Statutes and Section 22a-133q-1 of the Regulations of Connecticut State Agencies.

The purpose of the proposed Environmental Land Use Restriction is to minimize the risk of human exposure to pollutants and hazards to the environment by restricting the future use of the site and prohibiting certain activities on such property, such as the disturbance of certain soils and the disturbance of an engineered control. Interested persons may obtain a copy of the proposed Environmental Land Use Restriction by contacting Mr. Martin D'Eramo, Public Affairs, Pratt & Whitney, 400 Main Street, M/S 105-32, East Hartford, CT 06108, Tel. 860-565-6944. Public comments on the proposed Environmental Land Use Restriction may be submitted in writing to Ms. Elsie Patton, Connecticut Department of Environmental Protection, Bureau of Water Management, 79 Elm St., Hartford, CT 06106 within thirty days after publication of this notice.

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DECLARATION OF ENVIRONMENTAL LAND USE RESTRICTION AND GRANT OF EASEMENT

This Declaration of Environmental Land Use Restriction and Grant of Easement is made this ____ day of October, 2002, between United Technologies Corporation, Pratt & Whitney Aircraft Division ("the Grantor") and the Commissioner of Environmental Protection of the State of Connecticut ("the Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of certain real property (the "Property") known as the area within Willow Brook and Willow Brook Pond at the UTC/Pratt & Whitney manufacturing facility located at 400 Main Street in East Hartford, Connecticut, Hartford County designated as Lots 225, 226 and 229 of Map 11 and Lots 1 and 2 of Map 22, of the City of East Hartford, Hartford County, more particularly described in Exhibit A which is attached hereto and made a part hereof; and

WHEREAS, the Grantee has determined that the environmental land use restriction set forth below is consistent with regulations adopted by him pursuant to Section 22a-133k of the Connecticut General Statutes; and

WHEREAS, the Grantee has determined that this environmental land use restriction will effectively protect public health and the environment from the hazards of pollution; and

WHEREAS, the Grantee's written approval of this environmental land use restriction is contained in the document attached hereto as Exhibit B (the "Decision Document") which is made a part hereof; and

WHEREAS, the property or portion thereof identified in the class A-2 survey ("the Subject Area"), a copy of which is attached hereto as Exhibit C which is made a part hereof, contains pollutants; and

WHEREAS, to prevent exposure to or migration of such pollutants and to abate hazards to human health and the environment, and in accordance with the Decision Document, the Grantor desires to impose certain restrictions upon the use, occupancy, and activities of and at the Subject Area, and to grant this environmental land use restriction to the Grantee on the terms and conditions set forth below; and

WHEREAS, Grantor intends that such restrictions shall run with the land and be binding upon and enforceable against Grantor and Grantor's successors and assigns.

NOW, THEREFORE, Grantor agrees as follows:

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1. Purpose. In accordance with the Decision Document, the purpose of this Environmental Land Use Restriction is to assure that the Site, which is described as Subject Area A, is not used for residential activities; and that humans are not exposed to soils at Subject Area B polluted with substances in concentrations exceeding the direct exposure and/or pollutant mobility criteria established in R.C.S.A. sections 22a- 133k-1 through 22a-133k-3, inclusive, which area is equipped with an engineered control.
2. Restrictions Applicable to the Subject Area. In furtherance of the purposes of this environmental land use restriction, Grantor shall assure that use, occupancy, and activity of and at the Subject Area are restricted as follows:
 - A. Use. No residential use of the Site, which is described as Subject Area A, shall be permitted.
 - B. Disturbances. Soil, under the defined engineered control, which is identified as Subject Area B, shall not be disturbed in any manner by activities such as digging, excavation, tunneling, and other intrusive activities.
3. Except as provided in Paragraph 4 below, no action shall be taken, allowed, suffered, or omitted if such action or omission is reasonably likely to:
 - i. Create a risk of migration of pollutants or a potential hazard to human health or the environment; or
 - ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain pollutants or limit human exposure to pollutants.
4. Emergencies. In the event of an emergency which presents a significant risk to human health or the environment, the application of Paragraph 3 above may be suspended, provided such risk cannot be abated without suspending such Paragraph and the Grantor:
 - i. Immediately notifies the Grantee of the emergency;
 - ii. Limits both the extent and duration of the suspension to the minimum reasonably necessary to adequately respond to the emergency;
 - iii. Implements all measures necessary to limit actual and potential present and future risk to human health and the environment resulting from such suspension; and
 - iv. Implements a plan approved in writing by the Grantee, on a schedule approved by the Grantee, to ensure that the Subject Area is remediated in accordance with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive, or restored to its condition prior to such emergency.

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5. Release of Restriction; Alterations of Subject Area. Grantor shall not make, or allow or suffer to be made, any alteration of any kind in, to, or about any portion of any of the Subject Area inconsistent with this environmental land use restriction unless the Grantor has first recorded the Grantee's written approval of such alteration upon the land records of the Town of East Hartford. The Grantee shall not approve any such alteration and shall not release the Subject Area from the provisions of this environmental land use restriction unless the Grantor demonstrates to the Grantee's satisfaction that Grantor has remediated the Subject Area in accordance with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive.

6. Grant of Easement to the Grantee. Grantor hereby grants and conveys to the Grantee, his agents, contractors, and employees, and to any person performing pollution remediation activities under the direction thereof, a non-exclusive easement (the "Easement") over the Subject Area and over such other parts of the Property as are necessary for access to the Subject Area or for carrying out any actions to abate a threat to human health or the environment associated with the Subject Area. Pursuant to this Easement, the Grantee, his agents, contractors, and employees, and any person performing pollution remediation activities under the direction thereof, may enter upon and inspect the Property and perform such investigations and actions as the Grantee deems necessary for any one or more of the following purposes:

- i. Ensuring that use, occupancy, and activities of and at the Property are consistent with this environmental land use restriction;
- ii. Ensuring that any remediation implemented complies with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive;
- iii. Performing any additional investigations or remediation necessary to protect human health and the environment.

7. Notice and Time of Entry onto Property. Entry onto the Property by the Grantee pursuant to this Easement shall be upon reasonable notice and at reasonable times, provided that entry shall not be subject to these limitations if the Grantee determines that immediate entry is necessary to protect human health or the environment.

8. Notice to Lessees and Other Holders of Interests in the Property. Grantor, or any future holder of any interest in the Property, shall cause any lease, grant, or other transfer of any interest in the Property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this environmental land use restriction and Grant of Easement. The failure to include such provision shall not affect the validity or applicability to the Property of this environmental land use restriction and Grant of Easement.

9. Persons Entitled to Enforce Restrictions. The restrictions in this environmental land use restriction on use, occupancy, and activity of and at the Property shall be enforceable in accordance with section 22a-133p of the General Statutes.

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10. Severability and Termination. If any court of competent jurisdiction determines that any provision of this environmental land use restriction or Grant of Easement is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court. In the event that the provision invalidated is of such nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect. Further, in either case, the Grantor shall submit a copy of this restriction and of the judgment of the Court to the Grantee in accordance with R.C.S.A. section 22a-133q-1(1). This environmental land use restriction shall be terminated if the Grantee provides notification pursuant to R.C.S.A. section 22a-133q-1(1).

11. Binding Effect. All of the terms, covenants and conditions of this environmental land use restriction and grant of easement shall run with the land and shall be binding on the Grantor, the Grantor's successors and assigns, and each owner and any other party entitled to possession or use of the Property during such period of ownership or possession.

12. Terms Used Herein. The definitions of terms used herein shall be the same as the definitions contained in sections 22a-133k-1 and 22a-133q-1 of the Regulations of Connecticut State Agencies as such sections existed on the date of execution of this environmental land use restriction.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Declaration of environmental land use restriction and Grant of Easement as of this ____ day of October, 2002

Witnesses:

GRANTOR:

UNITED TECHNOLOGIES CORPORATION,
PRATT & WHITNEY DIVISION

By: _____

Printed Name: _____

Title: _____

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Witnesses:

GRANTEE:

COMMISSIONER OF ENVIRONMENTAL
PROTECTION OF THE
STATE OF CONNECTICUT

By: _____

Printed Name: _____

Title: _____

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STATE OF CONNECTICUT)
)
COUNTY OF _____)

ss. _____

The foregoing instrument was acknowledged before me this ____ day of October, 2002 _____, the _____ of UNITED TECHNOLOGIES CORPORATION, PRATT & WHITNEY DIVISION, a Delaware corporation, on behalf of said corporation.

Commissioner of the Superior Court
Notary Public
My commission expires:

STATE OF CONNECTICUT)
)
COUNTY OF _____)

ss. _____

The foregoing instrument was acknowledged before me this ____ day of October, 2002 _____, the COMMISSIONER OF ENVIRONMENTAL PROTECTION OF THE STATE OF CONNECTICUT .

Commissioner of the Superior Court
Notary Public
My commission expires:

Latest Mailing Address of Grantee:
Commissioner of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

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EXHIBIT A
Property Description
(Maps Included)

Property Description

UTC/Pratt & Whitney Main and Willow Street East Hartford, Connecticut

This description is based on a map prepared by Rourke Surveying LLC, 1487 New Haven Road, Naugatuck, Connecticut on 6/10/01.

Parcel beginning at a point at the easterly line of Main Street and the northerly line of Willow Street at the southwesterly corner of the property now or formerly owned by United Technologies Corporation, Pratt & Whitney Aircraft.

Thence proceeding north $25^{\circ}17'56''$ west for a distance of 103.62 feet to an iron pin at the northwesterly side of the property now or formerly owned by United Technologies Corporation Pratt & Whitney Aircraft.

Thence proceeding northerly $25^{\circ}17'56''$ west for a distance of 52.72 feet to a monument.

Thence proceeding north $63^{\circ}38'40''$ east for a distance of 21.96 feet.

Thence proceeding at a perpendicular angle north $25^{\circ}17'56''$ across an existing culvert for a distance of 41.24 feet.

Thence proceeding at a perpendicular angle south $63^{\circ}06'10''$ west for a distance of 20.79 feet to a monument on the easterly side of Main Street.

Thence proceeding north $29^{\circ}05'14''$ for a distance of 39.63 feet to an iron pin located at the southwesterly corner of the property now or formerly known as United Technologies Corporation, Pratt & Whitney Aircraft said property being described in a Life Estate Agreement with Julia M. Mizla and Cyril M. Mizla of Main Street, East Hartford, recorded in Volume 1923 Page 199 of the East Hartford Land Records.

Thence proceeding north $61^{\circ}20'19''$ east for a distance of 130.18 feet to an iron pin.

Thence proceeding north $46^{\circ}48'52''$ east for a distance of 52.27 feet to an iron pin.

Thence proceeding north $14^{\circ}43'20''$ east for a distance of 111.52 feet to an iron pin.

Thence proceeding south $63^{\circ}33'26''$ west for a distance of 208.76 feet to a point at the northwesterly corner of the property now or formerly owned by United Technologies Corporation Pratt & Whitney that is the subject of the Life Estate Agreement with Julia M. Mizla and Cyril M. Mizla of Main Street, East Hartford.

Thence proceeding north $29^{\circ}05'14''$ east for a distance of 56.93 feet to a point at the southwesterly corner of the property now or formerly owned by Joseph Slonim and Archie Mazzoiotte.

Thence proceeding north 73°47'40" east for a distance of 229.97 feet to a point at the southeasterly corner of the property now or formerly owned by Joseph Slonim and Archie Mazzoiotte.

Thence proceeding north 73°47'40" east for a distance of 259.75 feet to a point.

Thence proceeding north 31°37'17" east for a distance of 180.33 feet.

Thence proceeding north 20°01'08" east for a distance of 50.62 feet crossing a culvert, and

Thence proceeding north 32°23'08" east across an existing culvert for a distance of 102.46 feet.

Thence proceeding north 68°19'20" east for a distance of 91.35 feet to a point at the southeasterly corner of property now or formerly owned by Margorie & C Taylor.

Thence proceeding north 79°26'43" east for a distance of 180 feet across a 10-foot drainage right-of-way to a point at the southeasterly corner of the property now or formerly owned by Lize-Ann Barker and the northwesterly corner of the property now or formerly owned by Karen A. Pelkey.

Thence proceeding south 08°54'52" east for a distance of 147.33 feet to a point at the southwesterly corner of the property now or formerly owned by Judith C. & Leroy M. Bidwell.

Thence proceeding north 76°49'26" east for a distance of 497.66 feet to a monument.

Thence proceeding north 20°55'30" east for a distance of 112.35 feet to a monument.

Thence proceeding north 03°28'39" west for a distance of 90 feet to a monument.

Thence proceeding north 75°21'51" for a distance of 65.90 feet to a point at the southwesterly corner of the property now or formerly owned by Earl and Jewel M. Divorse.

Thence proceeding north 76°27'51" east for a distance of 178.48 feet to an iron pin.

Thence proceeding north 79°22'51" east for a distance of 359.08 feet to a point at the southeasterly corner of the property now or formerly owned by Steven P. Lazicki.

Thence proceeding north 03°39'25" west for a distance of 373.64 feet to a monument on the southerly side of Sisson Street in East Hartford, Connecticut.

Thence proceeding north 79°27'25" east for a distance of 130.18 feet to a monument at the corner of the southerly side of Sisson Street and the westerly side of Mercer Avenue.

Thence proceeding south 37°17'5" east for a distance of 421.98 feet to a point.

Thence proceeding south 10°37'5" east for a distance of 781.47 feet to a point on the northerly side of Willow Street.

Thence proceeding south $79^{\circ}38'30''$ west for a distance of 1,516.61 feet to a point on the northerly side of Willow Street.

Thence proceeding south $79^{\circ}38'30''$ west for a distance of 416.46 feet to a point at the corner of the northerly side of Willow Street and the easterly side of Main Street, which is the point of the beginning.

Said property is identified, in whole or in part, on Map 22, Lots 1 and 2, and Map 11, Lots 225, 226 and 229 in the Town of East Hartford Land Records.

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EXHIBIT B

Decision Document

Exhibit B

Decision Document Environmental Land Use Restriction For Willow Brook and Willow Brook Pond East Hartford, Connecticut

The purpose of this document is to describe: 1) the type and location of pollutants in the soil or groundwater at the specific areas noted below at the United Technologies Corporation/Pratt & Whitney Division (UTC/P&W) property located at the area within Willow Brook and Willow Brook Pond at the UTC/P&W manufacturing facility located at 400 Main Street in East Hartford, Connecticut ("the Site") for which an environmental land use restriction ("ELUR") is necessary; 2) the provisions of the environmental land use restriction ("ELUR") and the reasons why such restrictions or limitations on a portion of the Site are necessary to adequately protect human health and the environment; and 3) why the ELUR is consistent with the Remediation Standard Regulations, Sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies ("RCSA").

The ELUR prohibits certain activities at the Site within those Areas that are designated on Exhibit C as Subject Areas A and B.

Subject Area A

As shown on the attached Map A (Exhibit C), Subject Area A covers the entire Site and is approximately 4 acres. Pollutants in soil exceed the residential direct exposure criteria, as defined in Section 22a-133k-1 of the RCSA, but are present at concentrations that are less than the industrial/commercial direct exposure criteria. A list of the pollutants that exceed the residential direct exposure criteria (RDEC) is included in Table 1. If the Site was used for residential purposes, the pollutants present in the soil may pose an unacceptable risk to human health. However, provided the Site is used only for industrial/commercial activities, as defined in Section 22a-133k-1 of the RCSA, the pollutants present in the soil do not pose an unacceptable risk to human health. The ELUR prohibits the use of the site for residential purposes, as required by Section 22a-133k-2(b)(2)(A)(ii) of the RCSA.

Subject Area B

As shown on the attached Map B (Exhibit C), Subject Area B covers the Upper and Lower Willow Brook Pond, the land bridge in between the ponds, and Willow Brook from the Lower Willow Brook Pond to the Main Street Culvert, and is approximately 3 acres. In this subject area, pollutants in the soil exceed the industrial/commercial direct exposure criteria (IDEC) and/or pollutant mobility criteria (PMC), as defined in Section 22a-133k-1 of the RCSA. A list of the pollutants that exceed the IDEC is included in Table 1. The polluted soil is located beneath an engineered control, which has been approved by the Commissioner of Environmental Protection pursuant to Section 22a-133k-2(f)(B). In addition, the polluted soil does not pose a risk to human health, provided the engineered control is not disturbed such that people may come into contact with polluted soil. If humans were to come into contact with soil polluted with substances listed in Table 1, these substances may pose an unacceptable risk to human health. Such polluted soil does not pose a risk to groundwater quality provided that the engineered control is not disturbed.

in any manner, which may compromise the control or expose underlying polluted soils. The ELUR prohibits disturbance to the engineered control or underlying polluted soil in accordance with 22a-133k-2 (f)(2)(B)(iv) of the RCSA.

[Public Notice of Grantor's intent to record the ELUR was published in the Name of Newspaper on Date. No comments from the public were received during the 30 day comment period (or a summary of the public comments are as follows:).]

Approval of this Decision Document is hereby granted.

Date

Arthur J. Rocque, Jr.
Commissioner of Environmental Protection

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EXHIBIT C

A-2 Survey

**US EPA New England
RCRA Document Management System
Image Target Sheet**

RDMS Document ID # 100455

Facility Name: PRATT & WHITNEY MAIN STREET

Facility ID#: CTD990672081

Phase Classification: R-9

Purpose of Target Sheet:

☒ **Oversized (in Site File)** ☐ **Oversized (in Map Drawer)**

☐ **Page(s) Missing (Please Specify Below)**

☐ **Privileged** ☐ **Other (Provide
Purpose Below)**

Description of Oversized Material, if applicable:

MAP A: ENVIRONMENTAL LAND USE RESTRICTIONS

☒ **Map** ☐ **Photograph** ☐ **Other (Specify Below)**

*** Please Contact the EPA New England RCRA Records Center to View This Document ***

**US EPA New England
RCRA Document Management System
Image Target Sheet**

RDMS Document ID # 100455

Facility Name: PRATT & WHITNEY MAIN STREET

Facility ID#: CTD990672081

Phase Classification: R-9

Purpose of Target Sheet:

☒ **Oversized (in Site File)** ☐ **Oversized (in Map Drawer)**

☐ **Page(s) Missing (Please Specify Below)**

☐ **Privileged** ☐ **Other (Provide
Purpose Below)**

Description of Oversized Material, if applicable:

MAP B: ENVIRONMENTAL LAND USE RESTRICTIONS

☒ **Map** ☐ **Photograph** ☐ **Other (Specify Below)**

*** Please Contact the EPA New England RCRA Records Center to View This Document ***

**US EPA New England
RCRA Document Management System
Image Target Sheet**

RDMS Document ID # 100455

Facility Name: PRATT & WHITNEY MAIN STREET

Facility ID#: CTD990672081

Phase Classification: R-9

Purpose of Target Sheet:

☒ **Oversized (in Site File)** ☐ **Oversized (in Map Drawer)**

☐ **Page(s) Missing (Please Specify Below)**

☐ **Privileged** ☐ **Other (Provide
Purpose Below)**

Description of Oversized Material, if applicable:

MAP C: ENVIRONMENTAL LAND USE RESTRICTIONS

☒ **Map** ☐ **Photograph** ☐ **Other (Specify Below)**

*** Please Contact the EPA New England RCRA Records Center to View This Document ***